

NOTE: CHANGES MADE BY THE COURT

Closed

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WAUSAU BUSINESS INSURANCE  
COMPANY, a Wisconsin Corporation,  
and WAUSAU UNDERWRITERS  
INSURANCE COMPANY, a  
Wisconsin Corporation,

Plaintiffs,

v.

DIAMOND CONTRACT SERVICES,  
INC., a Nevada Corporation,

Defendant.

AND RELATED COUNTERCLAIM.

Case No.: CV10-3192 JFW (Ex)

**ORDER TO  
(1) DISMISS WAUSAU'S  
COMPLAINT WITH PREJUDICE,  
(2) DISMISS DIAMOND'S  
COUNTERCLAIM WITH  
PREJUDICE AND (3) RETAIN  
JURISDICTION**

**[FRCP 41(a)(1)]**

Pretrial Conference: February 17, 2012  
Trial Date: March 6, 2012

**ORDER**

The Court, having read and considered the foregoing Stipulation for Entry of an Order to (1) Dismiss Wausau's Complaint With Prejudice, (2) Dismiss Diamond's Counterclaim With Prejudice and (3) Retain Jurisdiction, and good cause appearing therefore,

IT IS HEREBY ORDERED that

1. Wausau's Complaint filed in this action shall be dismissed with prejudice as to all parties and claims for relief, with each party bearing its own attorneys' fees and costs;

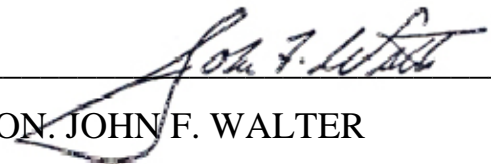
2. Diamond's Counterclaim filed in this action shall be dismissed with prejudice as to all parties and claims for relief, with each party bearing its own attorneys' fees and costs;

3. The Court shall retain jurisdiction to enforce the terms of the parties' March 19, 2012 Confidential Settlement Agreement and Mutual Specific Release ("Settlement Agreement") and/or March 19, 2012 Promissory Note, to resolve any disputes regarding the Settlement Agreement and/or Promissory Note, and to allow Wausau to present to the Court a Stipulation for Entry of Final Judgment on Arbitration Award against Diamond if Diamond fails to comply with the terms of the Settlement Agreement and/or Promissory Note;

4. The Court shall retain jurisdiction over the Settlement Agreement for the sole purpose of entering and enforcing a Final Judgment against Diamond on the Arbitration Award; and

1           5.     This Order modifies and/or supersedes the deadlines and  
2 procedures for arbitration set forth in the parties' February 13, 2012 Joint Stipulation  
3 Submitting this Matter to Binding Arbitration and the Court's February 14, 2012  
4 Order thereon.

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6 Dated: March 26, 2012

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9 HON. JOHN F. WALTER

10 UNITED STATES DISTRICT COURT JUDGE  
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